

THE HONORABLE ROBERT J. BRYAN

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARGARET DIBB, SHAUNA OVIST,
WENDY GONDOS, and TAMARA MORGAN,
on behalf of themselves and on behalf of others
similarly situated,

Plaintiffs,

vs.

ALLIANCEONE RECEIVABLES
MANAGEMENT, INC.,

Defendant.

NO. 3:14-CV-05835-RJB

**DECLARATION OF ERIKA L.
NUSSER IN SUPPORT OF
PLAINTIFFS' MOTION TO
APPROVE ATTORNEYS' FEES AND
COSTS, AND SERVICE AWARDS**

I, Erika L. Nusser, declare as follows:

1. I am an associate at the Terrell Marshall Law Group PLLC ("TMLG") and counsel of record for Plaintiffs in this matter. I have personal knowledge of the facts set for in this declaration. I am submitting this declaration in support of Plaintiffs' Motion to Approve Attorneys' Fees and Costs, and Service Awards.

2. Discovery in this case was hard fought. Class counsel propounded six sets of written discovery and served one subpoena duces tecum to AllianceOne's third-party mailing vendor. Class counsel's written discovery, included discovery designed to elicit information regarding AllianceOne's policies and practices, the form letters AllianceOne used when

1 collecting fees on alleged unpaid checks, and electronic records that AllianceOne maintained
 2 documenting its collection efforts. Class counsel conducted two Rule 30(b)(6) depositions and
 3 five depositions of AllianceOne employees, and also deposed an agent from AllianceOne's
 4 third-party mailing vendor located in Troy, Michigan. Class counsel also reviewed tens of
 5 thousands of pages of documents and analyzed AllianceOne's electronic data.

6 3. AllianceOne also propounded written discovery to each of the four original
 7 named Plaintiffs – Margaret Dibb, Shauna Ovist, Samantha Mason, and Wendy Gondos – and
 8 took their depositions.

9 4. Class counsel interviewed many other Washington consumers from whom
 10 AllianceOne collected Check Fees to which it was not entitled.

11 5. On October 26, 2016, Class counsel filed a state court action against
 12 AllianceOne on behalf of Ms. Morgan and all other individuals against whom AllianceOne had
 13 obtained a judgment – *Morgan v. AllianceOne Receivables Management, Inc.*, King County
 14 Superior Court Case No. 16-2-26246-5 SEA (the “State Court Action”). The State Court Action
 15 alleged many of the same violations alleged by the Plaintiffs in this action

16 6. On December 21, 2016 and February 15, 2017, the parties participated in two
 17 full-day mediations held before respected mediator, Louis Peterson. During the first day of
 18 mediation, AllianceOne indicated its desire to include the proposed class members in the State
 19 Court Action brought by Ms. Morgan in any settlement. Plaintiffs agreed because AllianceOne
 20 had provided collection data for the members of the State Court Action and Plaintiffs were
 21 therefore able to determine the damages owed to the members of that proposed class. Plaintiffs
 22 pragmatically considered Defendant's positions regarding reasonable handling fees and their
 23 form of NODs, and realistically considered the risks inherent in any trial.

24 7. By the end of the first day of mediation, the parties had not reached agreement;
 25 however, they agreed to continue negotiations with Mr. Peterson's assistance. Mr. Peterson
 26 made a mediator's proposal with respect to the monetary terms, which the parties ultimately
 27

1 accepted on December 23, 2016.

2 8. The parties engaged in additional negotiations to hammer out the details of a
3 written agreement, but were unable to agree on the non-monetary class relief.

4 9. The parties returned for a second full day of mediation on February 15, 2017, to
5 negotiate the non-monetary terms of the settlement.

6 10. The parties finally reached agreement and continued to work on the written
7 agreement over the next several weeks, resulting in a final agreement signed by all parties on
8 March 17, 2017. *See* Dkt. # 207-1.

9 11. All of the parties' settlement negotiations have been non-collusive and at arm's
10 length. The parties have reached a class action settlement in this case that Plaintiffs and their
11 counsel believe is fair, adequate, reasonable, and in the best interests of the Class.

12 12. The notice and settlement administration costs are estimated to be \$50,000.

13 13. AllianceOne also agreed not to collect approximately \$500,000 in Check Fees
14 on Class Member Accounts that have not already been paid. The total value of the Settlement is
15 therefore estimated to be more than \$2,450,000.

16 14. Class members will each receive a payment of more than 100% of the Check
17 Fees they paid to AllianceOne. In addition, all FDCPA Sub-Class Members will receive a
18 payment of \$40, representing FDCPA statutory damages.

19 15. In total, Class counsel dedicated more than 1,578 hours to the investigation,
20 development, litigation, and resolution of this case. And, as in every case, Class counsel will
21 spend an additional hours to see this case through to its final resolution, including the work
22 necessary to attend the hearing on final approval and to make sure the claims process is
23 properly carried out.

24 16. TMLG focuses on complex civil litigation with an emphasis on employment
25 law, consumer protection, product liability, and civil rights class actions. The attorneys of
26 TMLG have extensive experience in class actions, collective actions, and other complex
27

1 matters. They have been appointed lead or co-lead class counsel in numerous cases at both the
 2 state and federal level. They have prosecuted a variety of multi-million-dollar disputes
 3 involving wage and hour, consumer fraud, and product defect issues. The defendants in these
 4 cases have included companies such as Sakuma Brothers Farms, Inc., Wal-Mart, Microsoft,
 5 Best Buy, Dell, Honda, Toyota, Sallie Mae, Comcast, ABM Industries, Inc., U.S. Bank, and
 6 AT&T.

7 17. TMLG has actively and successfully litigated consumer protection and product
 8 liability class action lawsuits in Washington, California and throughout the United States.

9 TMLG is litigating or has recently settled the following consumer protection class actions:

- 10 • *Cavnar, et al. v. BounceBack, Inc.*—Filed in 2014 on behalf of
 11 Washington consumers who received false, misleading, and
 12 deceptive debt collection letters printed on the letter head of county
 13 prosecuting attorneys. TMLG worked to negotiate a class-wide
 settlement in 2016; final approval was granted in September 2016.
- 14 • *Jordan v. Nationstar Mortgage, LLC*—After a plaintiff class was
 15 certified by a Washington trial court, the action was removed to
 District Court in 2014. TMLG represents a class of homeowners who
 16 were improperly locked out of their homes by their mortgage lender.
- 17 • *Soto v. American Honda Motor Corporation*—Filed in 2012 on
 18 behalf of owners and lessees of 2008-2010 Honda Accords that
 19 consume motor oil at a much higher rate than intended, due to a
 systemic design defect. The case settled on a class-wide basis and
 final approval was granted in March 2014.
- 20 • *Smith v. Legal Helpers Debt Resolution LLC*—Filed in 2011 on
 21 behalf of consumers who were charged excessive fees for debt
 22 adjusting services in violation of Washington law. Class settlements
 were approved by the Court in December 2012 and December 2013.
- 23 • *Brown v. Consumer Law Associates LLC, et al.*—Filed in 2011 on
 24 behalf of consumers who were charged excessive fees for debt
 25 adjusting services in violation of Washington law. A class settlement
 was approved by the Court in 2013.
- 26 • *Bronzich, et al. v. Persels & Associates, LLC, et al.*—Filed in 2010
 27 on behalf of consumers who were charged excessive fees for debt

adjusting services in violation of Washington law. A class settlement was approved by the Court in 2013.

- *Milligan, et al. v. Toyota Motor Sales, Inc.*—Filed in 2009 on behalf of owners of 2001-2003 Toyota RAV4s containing defective Electronic Computer Modules, which cause harsh shifting conditions and permanent damage to the transmissions. TMLG worked to negotiate a nationwide class action settlement, and final approval was granted in January 2012.
- *Kitec Consolidated Cases*—Served as co-counsel in a national class action lawsuit against the manufacturers of defective hydronic heating and plumbing systems. The case settled for \$125,000,000, and final approval was granted in 2011.
- *Seraphin v. AT&T Internet Services, Inc., et al.*—A multi-state class action filed in 2009 on behalf of AT&T internet customers who paid \$20 a month or less for internet service and were assessed an Early Termination Fee when they cancelled service. A class settlement was approved by the Court in 2011.

17. TMLG is litigating or has recently settled the following Telephone Consumer Protection Act class actions:

- *In re Capital One Telephone Consumer Protection Act Litigation*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* I served as court-appointed Interim Co-Lead Counsel; final approval of a \$75,455,098.74 settlement was granted in February 2015.
- *In re Monitronics International, Inc. Telephone Consumer Protection Act Litigation*—Filed on behalf consumers who received automated, prerecorded solicitation telephone calls on their residential and business telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* TMLG serves as co-lead counsel in the MDL.
- *Wilkins, et al. v. HSBC Bank Nevada, N.A., et al.*—Filed on behalf of individuals who alleged that HSBC made prerecorded calls using an

automatic dialing system. The case settled on a class-wide basis in 2014 for \$39,975,000, and final approval was granted in March 2015.

- *Ott, et al. v. Mortgage Investors Corporation*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated a \$7,483,600 class-wide settlement; final approval was granted in January 2016.
- *Abante Rooter and Plumbing, Inc., et al. v. Alarm.com Incorporated, et al.*—TMLG represents four classes of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case is pending in the United States District Court for the Northern District of California.
- *Booth, et al. v. AppStack, et al.*—TMLG represents a certified class of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016 for \$975,000, and final approval was granted in January 2017.
- *Joseph v. TrueBlue Inc., et al.*—Filed on behalf of consumers who received spam text messages on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016 for \$5,000,000, and final approval was granted in March 2017.
- *Melito, et al. v. American Eagle Outfitters, Inc., et al.*—Filed on behalf of consumers who received spam text messages on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016 for \$14,500,000, and was preliminarily approved in the United States District Court for the Southern District of New York in January 2017.
- *Ashack v. Caliber Home Loans*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227

1 *et seq.* TMLG worked to negotiate a nationwide settlement in 2016
2 for \$2,895,000, and the approval process is pending.

- 3 • *Bee, Denning, Inc., et al. v. Capital Alliance Group, et al.*—TMLG
4 represents two certified classes of consumers who received junk
5 faxes and automated, prerecorded solicitation telephone calls on their
6 cellular telephones without their prior express consent within the
7 meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227
8 *et seq.* The case settled on a class-wide basis in 2016, and final
9 approval was granted in November 2016.
- 10 • *Lushe, et al. v. Verengo, Inc.*—Filed on behalf of consumers who
11 received automated, prerecorded solicitation telephone calls on their
12 cellular and residential telephones without their prior express
13 consent, within the meaning of the Telephone Consumer Protection
14 Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in
15 2015 for \$2,365,000, and final approval was granted in May 2016.
- 16 • *Rinky Dink, et al. v. World Business Lenders, LLC*—Filed on behalf
17 of consumers who received automated, prerecorded solicitation
18 telephone calls on their cellular telephones and Washington landlines
19 without their prior express consent within the meaning of the
20 Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the
21 Washington Automatic Dialing and Announcing Device statute,
22 RCW 80.36.400, and the Washington Consumer Protection Act,
23 RCW 19.86 *et seq.* The case settled on a class-wide basis in
24 2015 for \$1,000,000, and final approval was granted in May 2016.
- 25 • *Rinky Dink, et al. v. Electronic Merchant Systems, Inc., et al.*—Filed
26 on behalf of consumers who received automated, prerecorded
27 solicitation telephone calls on their cellular telephones and
Washington landlines without their prior express consent within the
meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227
et seq., the Washington Automatic Dialing and Announcing Device
statute, RCW 80.36.400, and the Washington Consumer Protection
Act, RCW 19.86 *et seq.* The case settled on a class-wide basis in
2015 for \$1,250,000, and final approval was granted in April 2016.
- *Taylor v. Universal Auto Group I*—Filed on behalf of consumers
who received automated, prerecorded solicitation telephone calls on
their cellular telephones without their prior express consent within
the meaning of the Telephone Consumer Protection Act, 47 U.S.C.
§ 227 *et seq.* The case settled on a class-wide basis and final approval
was granted in February 2016.

- 1 • *Gehrich v. Chase Bank USA*—Filed on behalf of consumers who
2 received automated, prerecorded collection telephone calls on their
3 cellular telephones without their prior express consent within the
4 meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227
5 *et seq.* TMLG worked to negotiate a \$34,000,000 nationwide
6 settlement; final approval was granted in March 2016.
- 7 • *Chesbro v. Best Buy Stores, L.P.*—Filed on behalf of consumers who
8 received automated, prerecorded solicitation telephone calls on their
9 residential telephones without their prior express consent within the
10 meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227
11 *et seq.* TMLG negotiated a \$4.5 million settlement, which was
12 granted final approval in September 2014.
- 13 • *Rose, et al. v. Bank of America Corp., et al.*—Filed on behalf of
14 consumers who received automated, prerecorded collection
15 telephone calls on their cellular telephones without their prior
16 express consent within the meaning of the Telephone Consumer
17 Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a
18 nationwide settlement of \$32,083,905, which was granted final
19 approval in August 2014.
- 20 • *Steinfeld v. Discover Financial Services, et al.*—Filed on behalf of
21 consumers who received automated, prerecorded collection
22 telephone calls on their cellular telephones without their prior
23 express consent within the meaning of the Telephone Consumer
24 Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated an
25 \$8.7 million settlement, which was granted final approval in
26 March 2014.
- 27 • *Hanley v. Fifth Third Bank*—Filed on behalf of consumers who
received automated, prerecorded collection telephone calls on their
cellular telephones without their prior express consent within the
meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227
et seq. TMLG negotiated a \$4.5 million settlement, which was
granted final approval in December 2013.
- *Arthur v. Sallie Mae, Inc.*—Filed on behalf of consumers who
received automated, prerecorded collection telephone calls on their
cellular telephones without their prior express consent within the
meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227
et seq. TMLG worked to negotiate a \$24.15 million nationwide
settlement, and final approval was granted in 2012.

18. TMLG is litigating or has recently settled the following wage and hour class
actions:

- 1 • *Romatka, et al. v. Brinker International Payroll Company, L.P., et*
2 *al.*—Filed in 2013 on behalf of approximated 900 workers who
3 alleged violations of Washington State wage and hour laws. The case
4 settled on a class-wide basis, and final approval was granted in
5 March 2015.
- 6 • *Newell v. Home Care of Washington, Inc., et al.*—TMLG represented
7 a certified class of more than 400 in-home health care workers who
8 alleged violations of state wage and hour laws. The case settled on a
9 class-wide basis, and final approval was granted in January 2015.
- 10 • *Paz v. Sakuma Brothers Farms, Inc.*—Filed in 2013 on behalf of
11 migrant and seasonal workers who alleged violations of Washington
12 State wage and hours laws. A class-wide settlement was approved by
13 the Court in December 2014.
- 14 • *Spencer v. FedEx Ground Package System, Inc.*—TMLG represents
15 a certified class of current and former delivery drivers who allege
16 violations of state wage and hour laws. The case was filed in 2014 in
17 the King County Superior Court for the state of Washington. TMLG
18 negotiated a \$10.5 million settlement, and final approval was granted
19 in December 2016.
- 20 • *Hill v. Xerox Business Services, LLC, et al., and Douglas v. Xerox*
21 *Business Services, LLC, et al.*—TMLG represents two certified
22 classes of current and former call center workers who allege
23 violations of state and federal wage and hour laws. Both cases were
24 filed in 2012 in the United States District Court for the Western
25 District of Washington and have been stayed pending the outcome of
26 appeals filed in the Ninth Circuit Court of Appeals.
- 27 • *Dickerson v. Cable Communications, Inc., et al.*—Filed in 2012 on
behalf of approximately 500 individuals alleging their employer
violated Oregon’s wage and hour laws. Defendants’ systematic
scheme of wage and hour violations involved, among other things,
failure to pay non-managerial installation technicians for all hours
worked, including overtime. The case settled on a class-wide basis,
and final approval was granted in 2013.
- *Khadera v. ABM Industries, Inc.*—TMLG represented 337
employees who alleged violations of federal and state wage and hour
laws. The case settled, and final approval was granted in 2012.
- *Simpson v. ABM Industries, Inc.*—TMLG represented a CR 23 class
of approximately 6,800 employees who alleged Washington State

wage and hour violations. The case settled in March 2012, and final approval of the settlement was granted in September 2012.

- *Barnett, et al. v. Wal-Mart Stores, Inc.*—Filed in 2001 on behalf of Washington employees alleging wage and hour violations by the country’s largest private employer. After more than seven years of litigation, TMLG obtained a settlement of \$35 million on behalf of a certified class of approximately 88,000 employees. That settlement was approved in July 2009.
- *McGinnity, et al. v. AutoNation, Inc., et al.*—TMLG represented a certified class of more than 500 employees who were denied earned vacation benefits. After nearly two years of litigation before an arbitrator, we obtained an award of \$2.34 million on behalf of the class. We successfully defended the award on appeal, and the Washington Supreme Court denied Defendants’ petition for review. A judgment in excess of \$2,600,000 was satisfied in September 2009.
- *Ramirez, et al. v. Precision Drywall, Inc.*—TMLG represented a certified class of workers who alleged they were not paid for overtime work. The case was tried before a jury during a five-week period in 2010, and TMLG successfully obtained a judgment for the workers in excess of \$4,000,000. TMLG continues to work on enforcing the judgment against multiple defendants.

19. I am the lead attorney from TMLG in this case. I concentrate my practice in complex litigation, including the prosecution of consumer, wage and hour, and civil rights class actions. I have been actively involved in every aspect of dozens of class actions brought on behalf of consumers, employees, and others, and have recovered millions of dollars and obtained substantial injunctive relief for the represented groups.

20. I received a double B.A., with distinction, from the University of Washington in 2005. In 2008, I received my J.D. from the University of San Francisco School of Law, graduating in the top 25%.

21. I have tried and won cases in state and federal courts and have also successfully briefed and argued cases before the Ninth Circuit Court of Appeals and the Washington State Court of Appeals. In *Ramirez v. Precision Drywall, Inc.* (King County Superior Court), for example, I was appointed co-lead counsel for a certified class of 325 Washington employees.

1 After a five-week jury trial, we obtained a judgment of \$4.1 million. That judgment was
 2 affirmed by the Washington Court of Appeals.

3 22. In *Smith v. JEM Group, Inc.*, 737 F.3d 636 (9th Cir. 2013), I served as co-lead
 4 counsel on behalf of a proposed consumer class alleging defendants charged fees for debt
 5 adjusting services in excess of those permitted by state consumer protection statutes. One
 6 defendant appealed this Court's denial of a motion to compel arbitration, which was decided
 7 post-*Concepcion*. I successfully briefed and argued the response before a Ninth Circuit panel,
 8 which affirmed the denial of the motion to compel arbitration. Class settlements were approved
 9 by this Court in December 2012 and December 2013.

10 23. I have been repeatedly named to the annual Rising Star list (2013 – 2017) by
 11 Washington Law & Politics Magazine.

12 24. Our lodestar calculations are based on reasonable hourly rates. We set these
 13 rates for attorneys and staff members based on a variety of factors, including among others: the
 14 experience, skill and sophistication required for the types of legal services typically performed;
 15 the rates customarily charged in the markets where the legal services are typically performed;
 16 and the experience, reputation and ability of the attorneys and staff members. Indeed, courts in
 17 Western Washington and California have approved fee requests by TMLG that were based on
 18 these rates (or higher rates in place at the time of application). A sample of the federal and state
 19 courts since 2008 that have approved TMLG's standard billing rates and reimbursement of
 20 costs as reasonable are:

21 a. July 2016, in *Paz v. Sakuma Brothers Farms, Inc.*, C13-01918 MJP
 22 (W.D. Wash.) (approving rates up to \$400/hour for TMLG attorneys);

23 b. June 2016, in *Witschel v. IMCO General Construction, Inc., et al.*, Case
 24 No. 13-2-00975-0 (Wash. Sup. Ct. Skagit County) (approving rates up to \$400/hour for TMLG
 25 attorneys);

1 c. November 2015, in *Taylor v. Universal Auto Group I, Inc.*, C13-05245
 2 KLS (W.D. Wash.) (approving rates up to \$650/hour for TMLG attorneys);

3 d. March 2015, in *Romatka, et al. v. Brinker Int'l. Payroll Company, L.P.*,
 4 *et al.*, Case No. 13-2-14937-1 SEA (Wash. Sup. Ct. King County) (approving rates up to
 5 \$400/hour for TMLG attorneys);

6 e. September 2014, in *Chesbro v. Best Buy Stores, L.P.*, C10-774 RAJ
 7 (W.D. Wash.) (approving rates up to \$650/hour for TMLG attorneys);

8 f. April 2014, in *Wilbur, et al. v. City of Mount Vernon, et al.*, C11-1100
 9 RSL (W.D. Wash.) (approving rates up to \$375/hour for TMLG attorneys);

10 g. November 2013, in *Brown v. Consumer Law Associates, LLC*, C11-0194
 11 (E.D. Wash.) (approving rates up to \$375/hour for TMLG attorneys);

12 h. July 2013, in *Bronzich, et al. v. Persels & Associates, LLC*, C10-0364
 13 (E.D. Wash.) (approving rates up to \$375/hour for TMLG attorneys);

14 i. January 2012, in *Milligan v. Toyota Motor Sales, U.S.A., Inc.*, C09-
 15 05418 RS (N.D. Cal.) (approving rates up to \$600/hour for TMLG attorneys);

16 j. August 2011, in *Seraphin v. AT&T Internet Svcs.*, CV-00131-REB (D.
 17 Idaho) (approving rates up to \$600/hour for TMLG attorneys);

18 k. September 2010, in *Odom v. Microsoft Corp.*, Case No. 04-2-10618-4
 19 SEA (Wash. Sup. Ct. King County) (approving rates up to \$560/hour for TMLG attorneys);

20 l. July 2009, in *Splater v. Thermal Ease Hydronic Systems, Inc.*, Case No.
 21 03 2 33553-3 SEA (Wash. Sup. Ct. King County) (approving rates up to \$560/hour for TMLG
 22 attorneys); and

23 m. July 2009, in *Barnett, et al. v. Wal-Mart Stores, Inc.*, Case No. 01-2-
 24 24553-8 SEA (Wash. Sup. Ct. King County) (approving rates up to \$560/hour for TMLG
 25 attorneys).

25. Class Counsel represented Plaintiffs and the Class on a contingency-fee basis. In taking this case, Class Counsel risked extensive costs, a potentially expensive trial, and lost opportunity costs due to the time needed to brief class certification and dispositive motions. Plaintiffs also faced the risk of losing a jury trial and the risk that any recovery could be delayed for years by an appeal.

26. Class Counsel took special care to manage their time efficiently and to keep out-of-pocket costs to a minimum. Class Counsel cooperatively divided tasks to prevent duplication of efforts.

27. The regular practice at TMLG is for all attorneys and staff to keep contemporaneous time records, maintained on a daily basis, and describing tasks performed in 0.1 hour increments. Firm policy requires all attorneys and staff to enter their time into an electronic timekeeping system on a daily basis.

28. To date, TMLG's total lodestar is \$386,003.00. The following chart sets forth the experience, rates, hours worked and work performed by each attorney and staff member at TMLG who contributed to litigating this case. These time summaries are taken from contemporaneous, daily time reports prepared and maintained by Terrell Marshall in the regular course of business.

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
ATTORNEYS				
Erika L. Nusser Associate at Terrell Marshall Law Group PLLC since 2008. J.D. from Univ. of San Francisco School of Law, 2008	Researched and analyzed various legal and factual issues; worked on case investigation; worked on amended complaints; worked on discovery requests and responses; worked on case strategy; worked on discovery correspondence; prepared for and participated in discovery conferences; worked on other discovery issues; worked on protective order; reviewed and	\$350	753.9	\$263,865.00

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
	analyzed document production; worked on damages issues; worked on motion to compel; worked on subpoena; worked on motion to amend complaint; worked on motion to amend case schedule and send supplemental notice; prepared for and attended depositions; reviewed and analyzed deposition testimony; worked on motion for class certification; worked on response to motion to deny class certification; prepared for and argued class certification motion; worked on motion for summary judgment; prepared for and attended court hearings; worked on issues regarding class notice; worked on issues regarding class list and class data; analyzed issues regarding mediation; prepared for and attended mediation; worked on settlement issues and settlement agreement; worked on issues regarding settlement administration; worked on motion for preliminary approval.			
Beth E. Terrell Partner at Terrell Marshall Law Group PLLC J.D. from Univ. of California, Davis School of Law, 1995	Worked on case strategy; analyzed legal issues; worked on discovery matters; worked on issues regarding class notice; worked on motion to compel class data; worked on issues regarding mediation; attended mediation session; worked on settlement issues.	\$500	7	\$3,500.00

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NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
Amanda M. Steiner Partner at Terrell Marshall Law Group PLLC J.D. from U.C. Berkeley School of Law, 1997	Worked on case strategy and participated in phone conferences with counsel; worked on legal research; worked on summary judgment motion; worked on discovery correspondence; worked on motion to modify class definition, amend case schedule and send supplemental notice; worked on supporting declarations and proposed orders; worked on mediation brief; worked on issues regarding class damages analysis; worked on motion for preliminary approval of settlement agreement.	\$495	54.4	\$26,928.00
Blythe H. Chandler Associate at Terrell Marshall Law Group PLLC since May 2014. J.D. from Univ. of Washington School of Law, 2010	Worked on case strategy; worked on joint discovery submission; worked on issues regarding class member data and analysis of same.	\$325	4.6	\$1,495.00
Samuel J. Strauss Associate at Terrell Marshall Law Group PLLC from 2013-2016 J.D. from Univ. of Washington School of Law, 2013	Worked on case investigation; worked on factual and legal research; interviewed potential class members; worked on pleadings and memoranda; worked on correspondence to class members; worked on amended complaint; worked on representation agreements; worked on coordinating class representative depositions.	\$200	40.5	\$8,100.00

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NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
PARALEGALS/LEGAL ASSISTANTS				
Jennifer J. Boschen Senior Paralegal at Terrell Marshall Law Group PLLC 17 years legal experience	Worked on issues regarding document production; worked on data analysis; worked on case document database; worked on class list for notice mailing.	\$150	26	\$3,900.00
Eden B. Nordby Paralegal at Terrell Marshall Law Group PLLC 11 years legal experience	Worked on motion for class certification and supporting declaration; worked on case management; worked on discovery responses; worked on plaintiffs' document production; reviewed defendant's document production; worked on document production management; worked on public records requests to government agencies; telephone conferences with class members regarding case status; worked on joint discovery submission; worked on subpoenas to third parties; worked on response to motion to deny class certification; worked on class certification notice mailings; worked on analysis of class member data; worked on damages calculations; worked on motion to compel and supporting documents; researched class member contact information; worked on class notice; worked on content for case website; worked on issues regarding depositions; worked on motion to amend case schedule and send supplemental notice; worked on correspondence; worked on issues regarding mediation; worked on settlement distribution calculations; worked with claims administrator on	\$150	298.1	\$44,715.00

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TEL. 206.816.6603 • FAX 206.319.5450
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NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
	settlement issues.			
Rachel E. Hoover Paralegal at Terrell Marshall Law Group PLLC 11 years legal experience	Worked on correspondence to potential class members; worked on representation agreement; worked on amended complaint; worked on stipulated motion regarding supplemental class notice; finalized and served same.	\$150	1.4	\$210.00
Bradford Kinsey Legal Assistant at Terrell Marshall Law Group PLLC 26 years legal experience	Worked on motions and supporting documents; worked on court filings; worked on discovery requests and responses; conducted skip trace searches for class member contact information; worked on pleadings and correspondence; worked on amended complaints and filing and service of same.	\$100	54.9	\$5,490.00
Holly M. Rota Legal Assistant at Terrell Marshall Law Group PLLC 10 years legal experience	Worked on mailing correspondence to potential class members; worked on pleadings; worked on court filings; worked on correspondence to opposing counsel; worked on discovery requests and responses; served same; worked on courtesy copies of court filings for judge; worked on remailing undeliverable class notices; scheduled court reporters; worked on subpoenas and service of same; telephone conferences with class members regarding case status; worked on scheduling mediation.	\$100	171.8	\$17,180.00

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NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
Hannelore K. Ohaus Legal Assistant at Terrell Marshall Law Group PLLC from November 2012 – May 2017.	Worked on public records requests; worked on mailing correspondence to class members; reviewed and indexed document production; worked on third party production; worked on case website; worked on remailing undeliverable class notices; telephone conferences with class members regarding case status.	\$75	19	\$1,425.00
Megan Wildhood Legal Assistant at Terrell Marshall Law Group PLLC from March 2015 – October 2016.	Worked on document production database; worked on class member data management; worked on correspondence to potential class members; telephone conference with class member; worked on plaintiffs' document productions.	\$75	56.6	\$4,245.00
Amanda M. Nelson Legal Assistant at Terrell Marshall Law Group PLLC since March 2015.	Worked on tracking and remailing undeliverable class notices.	\$50	73.5	\$3,675.00
Samuel T. Levy Legal Assistant at Terrell Marshall Law Group PLLC since May 2015.	Worked on courtesy copies of court filings; worked on mediation materials; worked on correspondence to class members with state court judgments.	\$100	8.5	\$850.00
China E. Davis Legal Assistant at Terrell Marshall Law Group PLLC from February 2015 – April 2016.	Worked on letter to potential class members; worked on case investigation; managed client documents; telephone conferences with potential class members; worked on representation agreements.	\$50	8.5	\$425.00
TOTAL:			1578.7	\$386,003.00

29. Through the date of this submission, TMLG has reasonably and necessarily incurred \$34,519.19 in unreimbursed litigation expenses reasonably related to the prosecution

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of this case. These expenses are customarily charged to and paid by hourly clients. The following chart, which summarizes TMLG's litigation expenses, is taken from contemporaneous, documented expense records regularly prepared and maintained by our firm in the regular course of business.

Class Notice Mailing	\$14,269.57
Computer Research (Westlaw and Pacer)	\$498.20
Courier, Process Service & Postage	\$1,594.74
Meals	\$174.78
Mediation	\$9,269.24
Reproductions (scanning and copying)	\$249.84
Telephone	\$12.00
Depositions	\$6,733.25
Travel	\$1,717.57
Total	\$34,519.19

30. Plaintiffs Dibb, Ovist, and Gondos assisted in drafting the complaints, providing information regarding their interactions with Defendant, responded to discovery, and sat for their depositions. Plaintiff Morgan assisted in drafting the complaint in the State Court Action and provided information regarding her interactions with Defendant.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Seattle, Washington, this 2nd day of June, 2017.

By: /s/ Erika L. Nusser, WSBA #40854
Erika L. Nusser, WSBA #40854

CERTIFICATE OF SERVICE

I, Erika L. Nusser, hereby certify that on June 2, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendant

DATED this 2nd day of June, 2017.

TERRELL MARSHALL LAW GROUP PLLC

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